

**ADMINISTRATIVE APPEAL UNDER GENERAL
STATUTES SECTION 4-183 — CITATION**
(For use when service is made by a
proper officer or indifferent person)

JD-CV-138 Rev. 10-15
C.G.S. § 4-183; P.B. § 14-7A

STATE OF CONNECTICUT
SUPERIOR COURT
www.jud.ct.gov



Instructions to Person Appealing Decision :

1. Type or print legibly; sign the form. The Judicial District you name in the Citation must be the Judicial District of New Britain or Judicial District that the person who has filed the Appeal resides in.
2. Attach the original Appeal to the original Citation form.
3. If you are a self-represented plaintiff, bring the Citation and Appeal to a clerk of court for the Judicial District you name in the Citation. The clerk will review the Citation and, if it is complete, will sign it.
4. Give the Citation and Appeal to a proper officer or indifferent person to be served on each defendant.
5. After service has been made by a proper officer or indifferent person, file the Citation and Appeal and the Officer's Return with the clerk of court for the Judicial District you name in the Citation.

ADA NOTICE

The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation in accordance with the ADA, contact a court clerk or an ADA contact person listed at www.jud.ct.gov/ADA.

To Any Proper Officer or Indifferent Person:

By the authority of the State of Connecticut, you are commanded to serve, according to law, a copy of the Appeal and this Citation by personal service on the agency that made the decision that is being appealed at the address of the agency or, if allowed by law, at the Office of the Attorney General, 55 Elm Street, Hartford, Connecticut. Also serve, according to law, a copy of the Appeal and this Citation on each party named as a defendant in this appeal, at the address provided on this form.

Name of case (Plaintiff v. Defendant) Congregation Beth Israel v. Historic Preservation Commission of the City of Hartford		Case type code (See reverse for codes) Major: A Minor: 90
Judicial District Hartford	Address of Court 95 Washington Street, Hartford, CT 06106	Telephone number of Court (with area code) 860-548-2700
Number of Plaintiffs: 1	Number of Defendants: 1	<input type="checkbox"/> Form JD-CV-2 attached for additional parties
Parties	Name (Last, First, Middle Initial) and Address of Each party (Number; Street; P.O. Box; Town; State; Zip; Country, if not USA)	
First Plaintiff	Name: Congregation Beth Israel P-01 Address: 701 Farmington Avenue, West Hartford, CT 06119	
Additional Plaintiff	Name: P-02 Address:	
First Defendant	Name: Historic Preservation Commission of the City of Hartford c/o Hartford City Clerk D-01 Address: 550 Main Street #1, Hartford, CT 06103	
Additional Defendant	Name: D-02 Address:	
Additional Defendant	Name: D-03 Address:	
Additional Defendant	Name: D-04 Address:	

Notice To Defendant

1. The Plaintiff will file the attached Appeal of a final administrative decision. The Appeal attached to these papers states the claims that each Plaintiff is making.
2. **To be notified of further proceedings, you or your attorney must file a form called an "Appearance" with the clerk of the above-named Court at the above Court address within thirty (30) days of service of this Citation and Appeal. You do not have to come to court on that date unless you receive a separate notice telling you to come to court.**
3. If you do not file an "Appearance" in a timely manner, the Court is authorized to enter a sanction against you.
4. The "Appearance" form may be obtained at the Court address above or at www.jud.ct.gov under "Court Forms."
5. If you have questions about the Citation and the Appeal, you should talk to an attorney quickly. **The Clerk of Court is not allowed to give advice on legal questions.**

Signed (Sign and "x" proper box) 	<input checked="" type="checkbox"/> Commissioner of the Superior Court <input type="checkbox"/> Assistant Clerk	Name of person signing at left Matthew J. Hoberman	Date 5/14/2019
If this Citation is signed by a clerk: a. The signing has been done so that the Plaintiff(s) will not be denied access to the courts. b. It is the responsibility of the Plaintiff(s) to see that service is made in the manner provided by law. c. The Clerk is not permitted to give any legal advice in connection with any lawsuit. d. The Clerk signing this Citation at the request of the Plaintiff(s) is not responsible in any way for any errors or omissions in anything contained in the Appeal, or the service of the Citation or Appeal.			For Court Use Only File Date
I certify I have read and understand the above:	Signed (Self-Represented Plaintiff)	Date	Docket number

STATE OF CONNECTICUT JUDICIAL BRANCH
CASE TYPE CODES
October, 2015

MAJOR DESCRIPTION	Codes Major/ Minor	MINOR DESCRIPTION
Appeals from Administrative Boards	A 00	Zoning
	A 10	Taxation
	A 20	Liquor
	A 30	Motor Vehicle Commissioner
	A 40	Unemployment
	A 50	Worker's Compensation
	A 60	Labor Relations Board
	A 61	Environmental Protection Commissioner - State
	A 62	Commission on Hospitals/Healthcare
	A 63	Employees Review Board
	A 64	Social Services Commission
	A 65	Freedom of Information Commission
	A 66	Inland Wetlands & Conservation Commission - Local
	A 67	Retirement Commission
	A 68	Housing and Building Code Enforcement
	A 69	Human Rights and Opportunities Commission
	A 70	Department of Children and Families
	A 90	All other

RETURN DATE: JUNE 25, 2019 : SUPERIOR COURT
CONGREGATION BETH ISRAEL : J.D. OF HARTFORD
VS. : AT HARTFORD
HISTORIC PRESERVATION COMMISSION
OF THE CITY OF HARTFORD : MAY 14, 2019

CITATION OF SUMMONS

TO ANY STATE MARSHAL OF THE HARTFORD OR HIS DEPUTY WITHIN SAID
COUNTY, GREETING:

BY AUTHORITY OF THE STATE OF CONNECTICUT, You are hereby commanded to
summon the HISTORIC PRESERVATION COMMISSION OF THE CITY OF HARTFORD in
the CITY OF HARTFORD, HARTFORD COUNTY and State of Connecticut by service in
accordance with the Connecticut General Statutes Section 52-57(b)(5) on the Town Clerk of the
CITY OF HARTFORD, to appear before the Superior Court for the Judicial District of
HARTFORD to be held at 95 Washington Street, Hartford, Connecticut on the 25th day of June,
2019, said appearance to made by the HISTORIC PRESERVATION COMMISSION OF THE
CITY OF HARTFORD or its attorney by, entering a written statement of appearance with the
Clerk of said Court on or before the second day following the return day, then and there to

answer unto the following complaint and appeal of the CONGREGATION BETH ISRAEL, a Connecticut corporation with an office at 701 FARMINGTON AVENUE, WEST HARTFORD, CONNECTICUT 06119, County of HARTFORD, STATE OF CONNECTICUT by serving at least twelve days before the return date, in the manner provided by law for the service of civil process of the Town Clerk of the CITY OF HARTFORD, two true and attested copies of the Complaint and Appeal and of this Citation of summons at least twelve days before the return day.

Dated at HARTFORD, County of HARTFORD, State of CONNECTICUT this 14 MAY 2019.

PLAINTIFF,
CONGREGATION BETH ISRAEL

By: 

Matthew J. Hoberman
BUTLER NORRIS & GOLD
254 Prospect Avenue
Hartford, CT 06106
(860) 236-6951
Juris No.: 07660

RETURN DATE: JUNE 25, 2019 : **SUPERIOR COURT**
CONGREGATON BETH ISRAEL : **J.D. OF HARTFORD**
VS. : **AT HARTFORD**
HISTORIC PRESERVATION COMMISSION
OF THE CITY OF HARTFORD : **MAY 14, 2019**

COMPLAINT AND APPEAL

TO THE SUPERIOR COURT OF CONNECTICUT, JUDICIAL DISTRICT OF HARTFORD,
comes the CONGREGATION BETH ISRAEL, a Corporation organized in Connecticut,
appealing from the denial of a HISTORIC PRESERVATION COMMISSION OF THE CITY
OF HARTFORD and the plaintiff complains and says:

1. CONGREGATION BETH ISRAEL (the "Plaintiff") is a corporation organized under Connecticut law.
2. CONGREGATION BETH ISRAEL owns a building located at 151 Ward Street, Hartford, Connecticut (the "Property").
3. The defendant HISTORIC PRESERVATION COMMISSION OF THE CITY OF HARTFORD ("Commission" or "Defendant") is the agency that claims to be empowered under the Connecticut General Statutes to protect the historic or architectural character of properties or

districts that are listed on the National Register of Historic Places pursuant to pursuant to the Home Rule Act Connecticut General Statutes §7-148.

4. The Commission claims to have authority to approve/disapprove applications for demolition permits under the CITY OF HARTFORD MUNICIPAL CODE Section 28-219, and when acting on such applications, it acts in an administrative capacity.

5. On March 20, 2019, the Plaintiff through its authorized officer Sandra Berinstein, made an application to the Commission for a demolition permit.

6. On April 17, 2019, a public hearing was held on the Application.

7. At the close of the public hearing on April 17, 2019, the Commission denied the Application.

8. Sandra M. Fry, Sr. Project Manager, City of Hartford, Department of Development Services via letter April 30, 2019 gave notice of the Commission's decision to the Plaintiff on May 2, 2019.

9. The Commission denied the Application stating the reason is based upon Section 28-219(e)(2) of the City of Hartford Municipal Code, in which the Commission finds the Property "Contributes to the architectural and historic character of the district and that its demolition would detract [sic] from it."

10. The Commission's action in denying the Plaintiff's Application was illegal, unlawful, arbitrary and in abuse of the powers vested in the Commission under the statutes of the State of Connecticut for one or more of the following reasons:

- a. The Commission's decision exceeds the authority granted to it pursuant to the provisions of Connecticut General Statutes Section 7-148(c)(10)(F) which limits the authority of the Commission to "Protect the historic or architectural character of properties or districts that are listed on, or under consideration for listing on, the National Register of Historic Places, 16a USC 470, or the state register of historic places, as defined in [Connecticut General Statutes] section 10-410";
- b. The Commission's decision exceeds the authority granted to it pursuant to the provisions of Connecticut General Statutes Section 7-148(c)(10)(F) since the Property is not listed on the National Register of Historic Places pursuant to 16a USC 470;
- c. The Commission's decision exceeds the authority granted to it pursuant to the provisions of Connecticut General Statutes Section 7-148(c)(10)(F) since the Property is not on the state register of historic places pursuant to Connecticut

General Statutes Section 10-410;

- d. In denying the application, the Commission failed to abide by its own requirements of Section 28-219(e)(c) of the City of Hartford Municipal Code that requires “Any commission decision that denies an application . . . shall state the reason(s) for denial, shall state what modification of the . . . plan(s) would result in approval of the applications and shall refer to the relevant section(s) in the design guidelines with the applicant can find appropriate guidance.”;
- e. In denying the application the Commission failed to abide by its own requirements of Section 28-219(e)(c) of the City of Hartford Municipal Code for building demolition where there is no feasible and prudent alternative to demolition;
- f. The Commission’s decision to deny the application is not supported by any credible substantial evidence of record and is based upon unfounded speculation unsupported by any substantial evidence;
- g. In denying the Plaintiff’s application, the Commission ignored the clear legal standards pertaining to review of the Application and to deny the Application

notwithstanding the fact that they knew or should have known that the stated reason for denial was not based upon standards of review established pursuant to Connecticut General Statutes and that in so doing they were acting beyond the scope of their legal authority with regard to the Application.

11. The Property is not listed on the National Register of Historic Places pursuant to 16a USC 470.

12. The Property is not on the state register of historic places pursuant to Connecticut General Statutes Section 10-410.

13. The Plaintiff as owner of the Property and the applicant is aggrieved by the Commission's actions with regard the Plaintiff's seeking Commission approval for a demolition permit.

WHEREFORE, THE PLAINTIFF PRAYS THAT:

1. The Court sustain this appeal;
2. The Court enter an order finding the Commission's actions in denying the Plaintiff's application was unlawful and null and void and enter an order directing the Commission to approve the Plaintiff's application for a demolition permit.
3. The Court enter an order for the costs of this Appeal pursuant to C.G.S. Section 8-8; and
4. Such other further relief as this Court may deem just and proper.

Dated at HARTOFRD, County of HARTFORD, State of CONNECTICUT May 14, 2019.

PLAINTIFF,
CONGREGATION BETH ISRAEL

By: 

Matthew J. Hoberman
BUTLER NORRIS & GOLD
254 Prospect Avenue
Hartford, CT 06106
(860) 236-6951
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